

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 714 Session of 2023

INTRODUCED BY WARREN, VITALI, ZABEL, FRANKEL, CIRESI, BENHAM, SCHLOSSBERG, SAPPEY, GUENST, DELLOSO, SAMUELSON, SANCHEZ, MADDEN, VENKAT, PASHINSKI, GALLOWAY, FIEDLER, KRAJEWSKI, STURLA, FREEMAN, KINKEAD, KINSEY, O'MARA, MALAGARI, D. WILLIAMS, RABB, SALISBURY, SHUSTERMAN, MADSEN, HOWARD, BOROWSKI, KHAN, ISAACSON, FRIEL, PIELLI, WAXMAN, BOYLE, OTTEN, HANBIDGE, KRUEGER, CEPEDA-FREYTIZ, CURRY, WEBSTER AND TAKAC, MARCH 27, 2023

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, MAY 3, 2023

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in firearms and other dangerous
3 articles, repealing provisions relating to sale or transfer
4 of firearms, FURTHER PROVIDING FOR PENNSYLVANIA STATE POLICE <--
5 AND PROVIDING FOR DUTY TO REPORT TO UNITED STATES IMMIGRATION
6 AND CUSTOMS ENFORCEMENT.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Section 6111(f)(2) of Title 18 of the
10 Pennsylvania Consolidated Statutes is repealed:

11 § 6111. Sale or transfer of firearms.

12 * * *

13 (f) Application of section.--

14 * * *

15 [(2) The provisions contained in subsections (a) and (c)
16 shall only apply to pistols or revolvers with a barrel length

1 of less than 15 inches, any shotgun with a barrel length of
2 less than 18 inches, any rifle with a barrel length of less
3 than 16 inches or any firearm with an overall length of less
4 than 26 inches.]

5 * * *

6 ~~Section 2 3. This act shall take effect in 60 days.~~ <--

7 SECTION 2. SECTION 6111.1(F)(1)(I) OF TITLE 18 IS AMENDED <--

8 AND THE SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

9 § 6111.1. PENNSYLVANIA STATE POLICE.

10 * * *

11 (B.1) NOTICE TO ATTORNEY GENERAL AND ICE.--IF AN
12 INSTANTANEOUS RECORDS CHECK PERFORMED UNDER THIS SECTION
13 INDICATES THAT A POTENTIAL PURCHASER OR TRANSFEREE OF A FIREARM
14 IS ILLEGALLY OR UNLAWFULLY IN THE UNITED STATES, THE
15 PENNSYLVANIA STATE POLICE SHALL TRANSMIT TO THE ATTORNEY GENERAL
16 AND THE UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT A
17 NOTICE THAT THE POTENTIAL PURCHASER OR TRANSFEREE MAY HAVE
18 ATTEMPTED TO RECEIVE A FIREARM IN VIOLATION OF SECTION 6105(C)
19 (5) (RELATING TO PERSONS NOT TO POSSESS, USE, MANUFACTURE,
20 CONTROL, SELL OR TRANSFER FIREARMS) AND 18 U.S.C. § 922(G)(5)
21 (RELATING TO UNLAWFUL ACTS). THE PENNSYLVANIA STATE POLICE SHALL
22 INCLUDE WITH THE NOTICE ALL RELEVANT INFORMATION POSSESSED BY
23 THE PENNSYLVANIA STATE POLICE.

24 * * *

25 (F) NOTIFICATION OF MENTAL HEALTH ADJUDICATION, TREATMENT,
26 COMMITMENT, DRUG USE OR ADDICTION.--

27 (1) NOTWITHSTANDING ANY STATUTE TO THE CONTRARY, JUDGES
28 OF THE COURTS OF COMMON PLEAS SHALL NOTIFY THE PENNSYLVANIA
29 STATE POLICE, ON A FORM DEVELOPED BY THE PENNSYLVANIA STATE
30 POLICE, OF:

1 (I) THE IDENTITY OF ANY INDIVIDUAL WHO HAS BEEN
2 ADJUDICATED AS AN INCOMPETENT OR AS A MENTAL DEFECTIVE OR
3 WHO HAS BEEN INVOLUNTARILY COMMITTED TO A MENTAL
4 INSTITUTION UNDER THE ACT OF JULY 9, 1976 (P.L.817,
5 NO.143), KNOWN AS THE MENTAL HEALTH PROCEDURES ACT, OR
6 WHO HAS BEEN INVOLUNTARILY TREATED AS DESCRIBED IN
7 SECTION 6105(C) (4) [(RELATING TO PERSONS NOT TO POSSESS,
8 USE, MANUFACTURE, CONTROL, SELL OR TRANSFER FIREARMS)] OR
9 AS DESCRIBED IN 18 U.S.C. § 922(G) (4) [(RELATING TO
10 UNLAWFUL ACTS)] AND ITS IMPLEMENTING FEDERAL REGULATIONS;
11 AND

12 * * *

13 SECTION 3. TITLE 18 IS AMENDED BY ADDING A SECTION TO READ:
14 § 6129. DUTY TO REPORT TO UNITED STATES IMMIGRATION AND CUSTOMS
15 ENFORCEMENT.

16 IF IT IS DISCOVERED AFTER A BACKGROUND CHECK THAT THE
17 POTENTIAL PURCHASER OR TRANSFEREE IS PROHIBITED FROM POSSESSING
18 A FIREARM IN ACCORDANCE WITH SECTION 6105(C) (5) (RELATING TO
19 PERSONS NOT TO POSSESS, USE, MANUFACTURE, CONTROL, SELL OR
20 TRANSFER FIREARMS), THAT INFORMATION SHALL BE REPORTED TO THE
21 UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT.

22 SECTION 4. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.